

LAKESIDE COMMUNITY COUNCIL MEETING – March 2014 – open to the public

DATE: 03-25-2014 TIME: 7:00pm

PLACE: **ORU building; 201 Bills Road in Lakeside.**

NOTICED: County P&Z website Calendar of Events page; posters in Library and Post Office in Lakeside, submitted to DIL Daybook column.

AGENDA:

1. Call to order and Sign-in sheet passed.
2. Public Comment for items not on the agenda
3. Approve Agenda.
4. Approve prior meeting minutes: Approve meeting minutes from February 2014.
5. Review/recommendations on any County applications in the Lakeside planning area (if any are scheduled): none
6. Guest presentations or reports (listed below, if any are scheduled): none
7. Procedural discussions or items (listed below, if any are scheduled)
 - a. By-Laws – status update; get Council signatures on revised draft
 - b. Update on Blacktail Trail
 - c. Update on schedule for guest speakers at upcoming meetings.
 - d. May election for Council members.
8. Lakeside Plan Implementation Strategies and beginning update for next plan:
 - a. Signage in Lakeside – JC
 - b. Any updates on Hwy 93 @ Adams St. issue?
9. Meeting adjourned

NOTE: Public comment will be accepted on any agenda item when that item is being discussed.

MEETING MINUTES:

Council Members attending: David Fetveit, Barb Miller, Meredith Coopman, Mike Wilson

Council Members not attending: Janet Conroy, JC Chaix, Gene Shellerud

P&Z attendees: none

Public: Michael Hebert

MINUTES:

1. Meeting called to order 7:10pm.
 2. Public comment: Barb indicated she may not be able to attend the April meeting. She will keep members posted by email if someone else needs to take the minutes.
 3. Barb moved, Meredith seconded and passed unanimously to approve the agenda.
 4. Barb moved, Meredith seconded and passed unanimously to approve February meeting minutes.
 5. No county business to review.
 6. No guest speaker.
 7. Procedural:

 - a. By-Laws: Long email exchange with BJ (see Enclosure 2 below; best to read bottom up). Barb moved Meredith seconded and passed unanimously to submit the requested changes to the commissioners for review. Cover letter needed. Barb to draft and David to send.
 - b. Blacktail Trail: See Enclosure 1. We need to encourage the community to attend to support the project.
 - c. Update on schedule for guest speakers. Invasive species speaker could not make this meeting; will reschedule. Mike secured a speaker on firewise for April. Barb indicated Chuck Curry accepted our invitation for May.
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8. Lakeside Plan

a. Signage in Lakeside: JC not present; supposed to bring a list of questionable signs. David pointed out that being part of the scenic corridor, that blinking (not scrolling) signs were prohibited. It was decided that the Council would contact businesses with an informal email stating that the Council had received complaints about some of the signage in town and ask that businesses re-program their electric signs to not blink. Meredith will get addresses needed and David will draft the letter.

b. Update on Hwy 93 & Adams: none

8. Barb moved and Meredith seconded to adjourn the meeting (7:35)

ENCLOSURE 1:

From: [Alex Hogle](#)

Date: 3/20/2014 4:58:09 PM

To: beach2mnts@bresnan.net; [Muffie Thomson](#)

Cc: [Doug Peppmeier \(Doug.Peppmeier@tdhengineering.com\)](#)

Subject: Blacktail Road CTEP Trail_public info meeting



Hi all, We have scheduled the public informational meeting for the Blacktail Road CTEP Trail for April 17, 2014 from 7-9pm at the Lakeside QRU.

Regarding public notice, this office will generate a notice which will be published in the daybook section of the Daily Interlake and on our webpage, and we will be mailing a notice to all landowners adjacent to the road where the route is planned.

ENCLOSURE 2:

From: beach2mnts@bresnan.net

Date: 3/25/2014 6:12:47 PM

To: [David Fetveit \(dfetveit@gmail.com\)](mailto:dfetveit@gmail.com); [BJ Grieve](#)

Cc: mFisher@flathead.mt.gov; [Donna Valade](#)

Subject: RE: Lakeside Council By-Laws



It is on the agenda and that agenda was posted to your website. It was posted last week and the By-Laws topic was included. There were a few changes to the agenda I sent Sunday that were posted yesterday that had nothing to do with that topic. The By-Laws item is still in the revised agenda - see attached.

... Barb Miller ...

-----Original Message-----

From: [BJ Grieve](#)

Date: 3/25/2014 2:05:32 PM

To: beach2mnts@bresnan.net; [David Fetveit \(dfetveit@gmail.com\)](mailto:dfetveit@gmail.com)

Cc: [Mary Fisher](#); [Donna Valade](#)

Subject: RE: Lakeside Council By-Laws

Please be sure that if you are going to take action on the bylaws tonight that it specifically appears on the agenda for tonight. If it does not, then it needs to be postponed to next month so it can be properly noticed to the public. If it's on the agenda for tonight, you're good to go to take a formal vote. Thanks!

And to answer your other question, to the best of my recollection some do and some don't. When we encountered the situation with your bylaws awhile back, Donna inventoried the various types of language that appears in all the bylaws and it's not consistent across all other LUACs. As I best recall, most do make a recommendation to both the Planning Board and Board of Adjustment, but not all.

From: beach2mnts@bresnan.net [beach2mnts@bresnan.net]

Sent: Tuesday, March 25, 2014 11:22 AM

To: [David Fetveit \(dfetveit@gmail.com\)](mailto:dfetveit@gmail.com); [BJ Grieve](#)

Cc: Mary Fisher; Donna Valade
Subject: RE: Lakeside Council By-Laws

The meeting minutes of 2/25 (draft, to be approved tonight), said we discussed it, but not that we voted and I did not have any notes of a formal vote on that topic. Suggest to make it official, and I'll record in the minutes, we vote "again" and sign the signature page tonight. After tonight's meeting, I'll get the minutes done ASAP and send all to Mary/Donna.

BJ: Do any other LUACs or Councils act as advisory (review applications and give a recommendation) to the Board of Adjustment?

... Barb Miller ...

-----Original Message-----

From: [BJ Grieve](#)
Date: 3/25/2014 10:56:10 AM
To: [David Fetveit](#); beach2mtns@bresnan.net
Cc: [Mary Fisher](#); [Donna Valade](#)
Subject: RE: Lakeside Council By-Laws

Cool, if you could let Mary and/or Donna know which meetings and minutes cover the process, that'd be great. Thanks!

From: David Fetveit [dfetveit@gmail.com]
Sent: Tuesday, March 25, 2014 10:43 AM
To: beach2mtns@bresnan.net; BJ Grieve
Subject: RE: Lakeside Council By-Laws

We did vote to approve and submit the changes in question. If it needs signatures, let's get those tonight.

David

David Fetveit, Broker
Trails West Real Estate
406.249.1764 (Mobile)
866.844.6050 (Toll Free)
www.davidfetveit.com
From: beach2mtns@bresnan.net [mailto:beach2mtns@bresnan.net]
Sent: Tuesday, March 25, 2014 10:31 AM
To: BJ Grieve
Cc: David Fetveit (dfetveit@gmail.com)
Subject: RE: Lakeside Council By-Laws

BJ - We did discuss getting this to the commissioners, but I don't recall that we actually voted on it. We can do that tonight and whatever council members are present can sign the signature page and we'll forward to Mary for scheduling with the Commissioners. I know of at least one member that will be absent, so we might not have all 7 signatures tonight, but a majority will have signed.

I understand your comments below. Is it true that other LUACs review and make recommendations to the Board of Adjustment? If so, which ones?

... Barb Miller ...

-----Original Message-----

From: [BJ Grieve](#)

Date: 3/25/2014 10:07:39 AM
To: beach2mnts@bresnan.net
Cc: [Tara Fugina](#); [Mary Fisher](#); [Donna Valade](#)
Subject: RE: Lakeside Council By-Laws

Hi Barb

I believe you have an LCC meeting tonight, so I want to double check something. Have the current, proposed changes to the LCC bylaws (as reviewed by Tara the second time) been approved by a majority vote of the Council for forwarding to the Commissioners as an agenda item at a public meeting? I'm assuming this took place at the last LCC meeting?

If so, Mary can send them to the Commission with a cover memo and documentation of the process followed for adoption by the LCC.

However, let me be clear on something. I do not recall "recommending" any particular changes to your bylaws. What I recall doing was reporting to the LCC awhile back that the bylaws as written at that time had been interpreted by the Co. Attny's Office to not include advisory recommendations on Board of Adjustment files. I recall someone on the LCC asking me if the LCC could revise them to add that and I recall stating that proposing revisions to the LCC bylaws to the Commissioners are the prerogative of the LCC. I do not recall recommending any particular action. If this becomes a point of contention for some reason (I can't see why it would, be a lot of things do) I can check the recorded video from the LCC meeting I attended to discuss this matter and determine what my exact words were.

As far as "supporting" the proposed changes to add new land use advisory responsibilities to the LCC (Board of Adjustment, I will not do that, per se. In my professional opinion, the LCC is an advisory committee created by the Commission and the Commissioners determine the role of each advisory group (LUAC or CC). The ability of the LCC to propose changes of their bylaws to the Commissioners is not a process within which the Planning Director needs to take part other than for our office to ensure that a defensible and open process has been followed. This is a position consistent with both Tara's statements below, as well as the guidance I'm given by the Planning Board and Commissioners through the years.

If necessary, I can speak to the fiscal impact of changes to the department I administer, I can speak to the process that has been followed to ensure it has been well-documented and open to the public through proper open meeting procedures, and/or I can speak to the applicable adopted planning documents that provide guidance for the decision making of the Commission. I will do this if asked by the Commission for the proposed changes.

So, let me know when the proposed changes were reviewed as an agenda item and when the vote was taken to forward these changes (that were attached to your email) to the Commission and I'll forward this to Mary for her to schedule. If we already have the original agenda and minutes of the meeting where this took place (again, I'm assuming it occurred last month or recently?) simply let us know the dates and we'll pull those together and forward them to the Commission attached to the proposed changes.

Long email, thanks for bearing with me.

From: beach2mnts@bresnan.net [beach2mnts@bresnan.net]
Sent: Sunday, March 23, 2014 10:07 AM
To: BJ Grieve
Subject: Lakeside Council By-Laws

Proposed changes have been outstanding on this for many months - almost a year. David asked me to follow-up on moving this issue forward.

Tara objected to our initial changes, we made additional changes, and in her last communication, she did not reject the changes, but stated she wasn't sure the Commissioners would approve (see emails below).

It is time to get this before the Commissioners. You initially brought this issue to us and recommended a

change to add the Board of Adjustment and I would hope you would support the change to the Commissioners. It does not seem to the Council that this is an expansion of scope. Other LUACs make recommendations to the Board of Adjustment, right?

Can you submit our changes and schedule an agenda item for the Commissioners to review the changes, and hopefully approve them? I will take the signature page to the Council meeting this Tuesday 3/25 to get signatures of Council members. Thanks for your help.

... Barb Miller ...

From: [Tara Fugina](#)

Date: 1/27/2014 3:54:28 PM

To: 'beach2mtns@bresnan.net'

Subject: RE: Proposed Revised By-Laws - Lakeside Community Council

Thank you for the change in Article 4, I.B.

As for the second issue, I still think that the scope of the Council's job is to advise and recommend to the Commissioners, but it is ultimately up to the Commissioners if they want to allow an increase in the scope of the Council's duties.

Tara

From: beach2mtns@bresnan.net [<mailto:beach2mtns@bresnan.net>]

Sent: Tuesday, November 26, 2013 2:29 PM

To: Tara Fugina

Subject: Fw: Proposed Revised By-Laws - Lakeside Community Council

Tara: There is a Community Council meeting tonight in Lakeside. Is there anything to report regarding your office's consideration of our latest proposed changes (see note below)

... Barb Miller ...

-----Original Message-----

From: beach2mtns@bresnan.net

Date: 10/13/2013 12:44:45 PM

To: tfugina@flathead.mt.gov

Cc: [David Fetveit \(dfetveit@gmail.com\)](mailto:David.Fetveit@gmail.com); [David Fetveit](#)

Subject: Proposed Revised By-Laws - Lakeside Community Council

Tara: In our last meeting, on September 24, the Council discussed your comments and agreed to make changes. Enclosed is a tracked changes version of the proposed changes to the version we sent you before:

- Article 4, I. B. : we went back to the word "among" instead of "advising"; we kept the corrections to organization names in this paragraph.
- Article 4, I. F. : we specifically added the "Board of Adjustment" and removed the end of the sentence "...or to other county departments considering issues affecting Lakeside.".

- Signature page: we kept the corrections to names & positions of Council members.

It is our hope that these changes will be acceptable and we can move on with getting the Commissioners' approval. Our next meeting is Tuesday, October 29, and we would really appreciate your having an answer or comments for us before or at that meeting, so we can sign our proposed document and proceed with the approval process. Thanks for your help.

... **Barb Miller** ...